

Permitting Decisions- Variation

We have decided to grant the variation for Welbeck Landfill Site operated by Welbeck Waste Management Limited.

The variation number is EPR/WP3330BZ/V012.

This variation permits the operation of a soil treatment facility. The proposed soil treatment facility will accept and process up to 29,999 tonnes of hazardous soils per year. Hydrocarbons present in the soil will be treated using bioremediation utilising biopile technology. The process will operate through the use of biopile technology and moisture control, addition of suitable nutrients to the soil and forced air extraction to encourage micro-organism growth leading to the breakdown of hydrocarbons into by-products such as carbon dioxide and water vapour. The treatment maximum time for soils is expected to be 6 months with the majority being treated between 8 – 16 weeks. Following treatment the soil will be passed through a mechanical screen to remove oversized material and then used for restoration of the wider Welbeck landfill Site.

The variation also incorporates an Environment Agency initiated variation to amend the monitoring location reference for 2 leachate monitoring points. These points were re-drilled and replace 2 monitoring points that are now no longer in use. Also conditions relating to notifications have been updated.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision-making process. It

- highlights key issues in the determination
- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- explains why we have also made an Environment Agency initiated variation
- shows how we have considered the consultation responses

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

Pre-acceptance and waste acceptance

Pre-acceptance and waste acceptance procedures will be in place to characterise the waste. Acceptance of waste will be decided based upon a pre-characterisation criteria and on arrival on site on the basis of laboratory analysis which will confirm if the waste is within treatable ranges. The Operator has confirmed that all waste wastes received on site will be in accordance with the general BAT requirements detailed in Environment Agency sector guidance note S5.06.

We are satisfied based on the information in the application that the pre acceptance and waste acceptance procedures are appropriate.

Odour

The Operator has submitted an odour management plan for the proposed soils treatment facility. The plan identified the key potential sources of odour from the process and the operating techniques that will be used to minimise odour emissions. The key operating techniques include:

- Waste acceptance criteria to prevent acceptance of highly odorous wastes.
- Wastes accepted with a detectable odour that are deemed acceptable for treatment will be covered prior to treatment, and placed on a bio pile extraction pipe as soon as possible following acceptance.
- Maintenance of optimum temperature, oxygen and moisture conditions in the treatment process to reduce odour potential. The piles must be kept aerobic to reduce the potential for malodorous emissions.
- Passing extracted air from the treatment process through a biofilter to remove odorous contaminants. The filter operates continuously and is designed to remove approximately 99% of the monitored volatile organic contaminants that have the potential to cause odour. Note that the permit contains monitoring conditions to ensure the performance of the bio-filter is maintained.
- Daily olfactory odour monitoring will be carried out around the site perimeter.
- Procedures in place for dealing with and investigating odour complaints.

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise odour and to prevent pollution from odour.

Noise

The application contained a noise risk assessment. The assessment concluded that the overall risk of noise pollution is very low. The main sources of noise from the facility will be from vehicles and mobile plant. The Operator's risk assessment has described a number of operating techniques that will be used to minimise the noise, these include:

- Maintenance of mobile plant/equipment in line with manufacturer specification.
- Restriction of operating hours.
- Where practical mobile plant and equipment will be fitted with silencers and acoustic hoods.
- Use of broadband type noise revers alarms.
- Minimisation of drop heights during tipping.
- Avoidance of unnecessary revving of engines and engines switched off when not in use or idle for long durations.

The Operator has also highlighted that the nearest residential receptor is located approximately 400m from the proposed facility, and therefore noise at level likely to cause annoyance is unlikely at this distance.

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise noise and vibration and to prevent pollution from noise and vibration outside the site.

Dust

Given the nature of the material and operations to be undertaken on site, there is potential for the site to produce dust. The Operator has submitted a dust emissions management plan for the proposed soils treatment facility. The plan identified the key potential sources of dust from the process and the operating techniques that will be used to minimise dust emissions. The key operating techniques include:

- Waste acceptance criteria to identify and if necessary prevent acceptance of dusty wastes.
- All site traffic will be kept to designated haul routes, the surface of which will be inspected daily and swept at regular intervals and any defects made good.
- Good practice techniques for hauliers and mobile plant operators include limiting speeds and even loading of vehicles to prevent spillages.
- Dust suppression by regular water spraying in dry conditions.

- Waste in bio piles is kept at a constant moisture level.
- Drop heights will be minimised during unloading.
- All vehicles will use a wheel wash to prevent mud/dust being trailed onto adjacent roads.
- During particularly dry weather storage areas will be dampened down as necessary.
- During waste acceptance dust emissions will be visually monitored by staff, and the surface of the material will be dampened down as necessary. If necessary operations giving rise to dust will be modified or suspended.
- Daily and weekly inspections of the site will be undertaken.
- Procedures in place for investigating complaints relating to dust.

Based upon the information in the application we are satisfied that appropriate measures will be in place to prevent and /or minimise fugitive emissions.

Fugitive emissions (not including odour, dust or noise)

Facilities such as the one proposed must be able to demonstrate that the facility is designed in such a way as to prevent the unauthorised and accidental release of polluting substances into soil, surface water and groundwater. We are satisfied that this requirement has been satisfied.

The application states that the storage and treatment operations will be carried out on surfaces which are impermeable and have a sealed drainage to minimise the risk of contaminated runoff and process waters polluting nearby controlled waters or groundwater beneath the facility. The drainage system and surfacing will be regularly inspected to ensure its integrity.

Point source emissions to surface and sewer

There are no point source emissions to surface water from the facility. There will be an emission to sewer. As described above contaminated surface water and process water will be collected in a sealed drainage system. The water will be collected in a sump. From the sump the water will be treated through primary settlements and sand/carbon filtration in the on-site water treatment plant. From the treatment plant the water will be pumped to the existing leachate lagoon located in the south of the Welbeck Landfill Site from which it will be pumped to the foul water drainage system under an existing discharge consent agree with Yorkshire Water.

Based on the information provided by the operator we are satisfied that the emissions to sewer are unlikely to cause significant pollution. However, in order to validate this we have included an improvement condition in the permit that requires the Operator to complete an assessment of the risk of hazardous pollutants to surface water, following treatment by Yorkshire water, from the discharge when the site is fully operational and based on actual monitoring data.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

We also consulted the following organisations:

Public Health England

Director of Public Health

Local Authority (Wakefield Council)

Health and Safety Executive

Food Standards Agency

The comments and our responses are summarised in the [consultation responses](#) section.

The regulated facility

We considered the extent and nature of the facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

Site condition report

The operator has provided a description of the condition of the site for the Soil Treatment facility, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations. The sites are:

- Stanley Marsh LNR (Local Nature Reserve)
- Southern Washlands LNR
- Ashfields and Half Moon LWS (Local Wildlife Site)
- Warmfield Common LWS
- Southern Washlands LWS
- Goosehill Common LWS
- Stanley Ferry Flash LWS
- Railway Sidings, Normanton LWS
- Stanley Marsh LWS
- Former Newmarket Colliery, Stanley LWS
- Low Wood Ancient Woodland

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

The decision was taken in accordance with our guidance.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory. See key issues section above for further details of our assessment.

Operating techniques

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

Odour management

We have reviewed the odour management plan in accordance with our guidance on odour management.

We consider that the odour management plan is satisfactory and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques S1.2.

Dust management

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and emission management plan is satisfactory and we approve this plan.

We have approved the dust and emission management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

Changes to the permit conditions due to an Environment Agency initiated variation

We have varied the permit as stated in the variation notice. The variation is to amend leachate monitoring points in Table S3.1 of the permit. Monitoring points LCP04 and LMP05B2 have been replaced by points LCP04/19 and LMP05B2/19. There is no change to the existing compliance limits. Also conditions relating to notifications have been updated to reflect the updated permit template conditions, namely condition 4.3.2 and Schedule 5 Notifications.

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme.

The inclusion of the improvement condition (IC16 in Table S1.3) is discussed in the 'Key Issues' section above.

Emission limits

Emission limits have been added included for ammonia, hydrogen sulphide and TVOCs from the bio filter as detailed in Table S3.2. The limits reflect the upper threshold limits for emissions from biofilters used as odour abatement in the biological treatment of waste as detailed in the BAT conclusions for Waste Treatment.

Monitoring

We have decided that monitoring should be added to the permit, this includes:

- process monitoring and monitoring of point source emissions to air from the biofilter, to ensure performance of the biofilter is monitored and maintained (table S3.15 and S3.2 in the permit).

See the relevant monitoring tables in the permit for further details of the requirements.

Note that the Operator has submitted an updated Emissions Monitoring Plan which shows the location of monitoring points across the landfill. Where appropriate we have updated the emission point location reference in the monitoring tables in the permit to reference the updated plan.

Reporting

We have added reporting in the permit for the process monitoring of the bio filter carried out in accordance with the monitoring requirements in Table S3.14.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

Technical competence

Technical competence is required for the new activity added to the permit.

The operator is a member of the CIWM/WAMITAB scheme

We are satisfied that the operator is technically competent.

Growth duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit variation.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation Responses

The following summarises the responses to consultations with other organisations and the way in which we have considered these in the determination process. No responses were received from the public.

Responses from organisations listed in the consultation section

Response received from Public Health England

Brief summary of issues raised: Public Health has no significant concerns regarding the risk to human health of the local population from the installation provided all activities take place within the proposed site boundary.

Summary of actions taken: None required.

No responses were received from the Local Authority, Food Standards Agency, Director of Public Health or Health and Safety Executive.